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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,672	04/22/2004	Stephen Gibson	RNZ-30	6827
22827	7590	03/16/2006	EXAMINER	
DORITY & MANNING, P.A.			PARSLEY, DAVID J	
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3643

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/829,672</p>	<p>Applicant(s)</p> <p align="center">GIBSON ET AL.</p>	
	<p>Examiner</p> <p align="center">David J. Parsley</p>	<p>Art Unit</p> <p align="center">3643</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|---|

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 1-18-06 and this action is final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No.

4,523,403 to Ivy et al.

Referring to claim 1, Ivy et al. discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10-16, having a pair of substantially parallel rails – at 11, oppositely disposed to one another – see for example figure 1, each of the rails located on a side of the frame – see for example figure 1, the frame having a base – at 16, located on one end – see for example figure 1, the base contiguous with the rails – see for example figure 1, the base configured for contact with a surface and configured for providing at least partial support to the frame when the frame is stood in an upright position – see

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for example figure 1, and a plate – at 27, configured for retaining fishing equipment – at 24-25, thereon – see for example figure 1, the plate is carried by the pair of rails – see for example figure 1. Ivy et al. further discloses the plate has a pair of T-shaped engagement members located on opposite ends thereof – see the rivets connecting the plate – at 27 to the hinge – at 28 and the frame – at 11 as seen in figure 5 where the rivets are shown being T-shaped, located on opposite ends thereof – see for example figures 1 and 5, and each of the T-shaped engagement members has at least one retaining member located thereon – see for example the enlarged end of the rivets in figure 5, and wherein each of the rails defines a slot – see the openings in which the rivets are placed in figure 5, and wherein the T-shaped retaining members are located in the slots – see figure 5, and are slideably positioned along the slots – see figure 5, where during the riveting process the rivets are slid into the slots to be positioned for proper fastening.

Referring to claim 2, Ivy et al. discloses the frame includes a handle – at 26, located on an opposite end of the frame from the base – see for example figure 1, and wherein the rails are located between both the base and the handle – see for example figure 1, and wherein the plate – at 27, is carried by the pair of rails – see for example figure 1.

Referring to claim 3, Ivy et al. discloses the plate has a pair of T-shaped engagement members located on opposite ends thereof – see the rivets connecting the plate – at 27 to the hinge – at 28 and the frame – at 11 as seen in figure 5 where the rivets are shown being T-shaped, located on opposite ends thereof – see for example figures 1 and 5, and each of the T-shaped engagement members has at least one retaining member located thereon – see for example the enlarged end of the rivets in figure 5, and wherein each of the rails defines a slot – see the openings in which the rivets are placed in figure 5, and wherein the T-shaped retaining

members are located in the slots – see figure 5, and are slideably positioned along the slots – see figure 5, where during the riveting process the rivets are slid into the slots to be positioned for proper fastening, and wherein the retaining members – at the enlarged ends of the rivets, frictionally engage the rails – at 11, in order to hold the plate – at 27, at a selected position – see for example figure 5.

Referring to claim 4, Ivy et al. discloses a support leg – at 13, rotatably attached to the frame – at 12, for use in stabilizing the frame when the frame is stood independently in an upright position – see for example figure 1.

Referring to claim 5, Ivy et al. discloses the plate – at 27, defines a plurality of apertures – see at 29-31 and openings for the rivets connecting items 28 and 32-34 to the plate as seen in figures 1 and 5.

Referring to claim 6, Ivy et al. discloses the apertures are holes and slots – see the slots at 29-31 and the holes/slots used with the rivets as seen in figures 1 and 5.

Referring to claim 7, Ivy et al. discloses the frame defines at least one mounting aperture – at 54, for use in mounting the frame onto a surface – see for example figure 2 and column 2 lines 65-68.

Referring to claim 8, Ivy et al. discloses the plate is configured for being selectively positioned along the length of the frame – see at 28 in figures 1 and 5, where the plate – at 27 is hinged to the frame – at 11 and therefore selectively movable/positioned along the length of the frame – at 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ivy et al. as applied to claim 8 above, and further in view of U.S. Patent No. 4,696,122 to Van Der Zyl. Ivy et al. does not disclose the plate has at least one retaining member located thereon that frictionally retains the plate at a selected position on the frame. Van Der Zyl does disclose the plate – at 31, has at least one retaining member – at 36, located thereon that frictionally retains the plate at a selected position on the frame – at 11 – see for example figure 1 and column 3 lines 48-55. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Ivy et al. and add the plate having the retaining member of Van Der Zyl, so as to allow for the plate to be securely held in place during operation of the device.

Claims 10, 12-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl in view of U.S. Patent No. 5,873,192 to Chiu.

Referring to claims 10 and 13, Van Der Zyl discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10, having a base – at 12, on one end of the frame and a handle – at 27, on an opposite end of the frame, the frame having a pair of elongated linear rails – at 11, located between the base and the handle – see figure 1, and wherein each rail is connected on either end of the rail to the base and the handle –

see figure 1, and at least one plate – at 31, in sliding engagement with the pair of rails – at 11 – see figure 1 and column 3 lines 48-55, the plate is configured to be moved along the length of the linear rails and be retained at a selected position on the rails – see for example figure 1 and column 3 lines 48-55, the plate is configured for retaining fishing equipment – at 19, thereon – see figure 4. Van Der Zyl disclose the plates – at 31 with engagement members – at 36 located on opposite ends thereof – see for example figure 1, that are in sliding engagement with the rails – at 11 – see for example figure 1 and column 3 lines 48-55. Van Der Zyl does not disclose a pair of T-shaped engagement members having at least one retaining member located thereon, and wherein each of the rails defines a slot, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate at a selected position. Chiu does disclose a pair of T-shaped engagement members – see the bolts proximate 18 in figure 2, having at least one retaining member – the nut at 18, located thereon – see figure 2, and wherein each of the rails – at 15, defines a slot – see figure 2, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate-like element – at 17, and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate-like element at a selected position – see for example figures 1-2 and column 2 lines 9-19. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl and add the engagement members of Chiu, so as to allow for the plate to be securely held to the rails during movement of the plate.

Referring to claim 12, Van Der Zyl discloses a rod clip – at 32-35, attached to the handle – via items 11 as seen in figure 1, and a fishing rod – at 19, retained on the frame – see figure 4,

the fishing rod is disposed in a compartment defined by the base – see at 17-18 in figures 1 and 4, and is also disposed in the rod clip – see figure 4, wherein the fishing rod is retained on the frame by the rod clip and compartment – see figure 4.

Referring to claim 15, Van Der Zyl discloses the plate defines a plurality of holes and slots – at 35-36 – see for example figure 8.

Referring to claim 16, Van Der Zyl discloses the handle – at 27, defines a mounting aperture – at 39, for use in mounting the frame onto a surface – see at 40-44 in figures 1 and 5.

Referring to claim 17, Van Der Zyl discloses the plate has at least one retaining member – at 36, located thereon that frictionally retains the plate at a selected position on the rails – at 11 – see for example figure 1 and column 3 lines 48-55.

Referring to claim 18, Van Der Zyl discloses a display and storage rack for displaying and storing fishing equipment comprising, an elongated frame – at 10, having a base – at 12, located on one end and a handle – at 27 located on an opposite end of the frame – see for example figure 1, the frame having a pair of elongated linear rails – at 11, located between the base and the handle – see figure 1, and wherein each rail is connected on either end of the rail to the base and the handle – see for example figure 1 and three plates – at 26,31,31, in sliding engagement with the pair of rails – see at 15 and 36 in figure 1 and column 3 lines 22-30 and column 3 lines 48-55, each of the plates define a plurality of apertures – see at 15 and – at 35,36 in figures 1, 6, 8, the plates are configured to be moved along the length of the linear rails – see for example column 3 lines 22-30 and column 3 lines 48-55, the plates are configured for retaining fishing equipment – at 19 thereon – see for example figure 4, each plate has at least one retaining member – at 15 and 36, located thereon that frictionally retains the plate at a selected

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position on the rails – see for example figure 1 and column 3 lines 22-30 and column 3 lines 48-55. Van Der Zyl disclose the plates – at 31 with engagement members – at 36 located on opposite ends thereof – see for example figure 1, that are in sliding engagement with the rails – at 11 – see for example figure 1 and column 3 lines 48-55. Van Der Zyl does not disclose a pair of T-shaped engagement members having at least one retaining member located thereon, and wherein each of the rails defines a slot, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate at a selected position. Chiu does disclose a pair of T-shaped engagement members – see the bolts proximate 18 in figure 2, having at least one retaining member – the nut at 18, located thereon – see figure 2, and wherein each of the rails – at 15, defines a slot – see figure 2, and wherein the T-shaped retaining members are located in the slots to effect sliding engagement between the plate-like element – at 17, and the pair of rails, and wherein the retaining members frictionally engage the rails in order to hold the plate-like element at a selected position – see for example figures 1-2 and column 2 lines 9-19. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl and add the engagement members of Chiu, so as to allow for the plate to be securely held to the rails during movement of the plate.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl as modified by Chiu as applied to claim 10 above, and further in view of U.S. Patent No. 5,159,777 to Gonzalez. Van Der Zyl as modified by Chiu further discloses three plates – at 31, 31, 26, 17 of Van Der Zyl. Van Der Zyl as modified by Chiu does not disclose at least one of the plates carries a basket. Gonzalez does disclose three plates – at 23-26, 31-34, 35, 16, and at least one of the

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plates carries a basket – at 30 – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl as modified by Chiu and add the plates carrying a basket of Gonzalez, so as to allow for the device to be capable of housing various fishing equipment for use by a fisherman.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Zyl as modified by Chiu as applied to claim 10 above, and further in view of Ivy et al. Van Der Zyl as modified by Chiu does not disclose a support leg rotatably attached to the base for use in stabilizing the frame when the frame is stood independently in an upright position. Ivy et al. does disclose a support leg – at 13, rotatably attached to the base – at 16 – see at 12 in figure 1, for use in stabilizing the frame when the frame is stood independently in an upright position – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Van Der Zyl as modified by Chiu and add the support leg of Ivy et al., so as to allow for the device to be capable of supporting the weight of multiple objects during use.

Response to Arguments

4. Regarding claims 1-8, the Ivy et al. reference US 4523403 does disclose T-shaped engagement members – being the rivets connecting the plate – at 27 to the hinge – at 28 as seen in figure 5. Further, as seen in figure 5 the rivets are slid into position in the slots in the plate and hinge – at 27,28, in that they are slid into the slots to connect the plate – at 27 to the hinge – at 28.

Applicant's arguments with respect to claims 10-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER

3/9/06